

# MISSISSIPPI LEGISLATURE

## HOUSE RULES

### THE SPEAKER AND SPEAKER PRO TEMPORE

1. The Speaker, when elected, shall hold office for a term of four (4) years, or until the next regular session of the Legislature following an election for Governor and members of the Legislature, and shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, cause the roll to be called finally, (late members may file explanations as late but present) and, on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared, may speak to points of order in preference to other members, rising from his seat for that purpose.

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and of the corridors and passages and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further order.

4. He shall sign all acts, addresses, joint resolutions, writs, warrants and subpoenas of, or issued by order of, the House, and decide all questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once unless by permission of the House. The Speaker may require points of order in writing and may take reasonable time to examine and study same before ruling thereon, during which period consideration of that particular subject matter may be suspended without prejudice and the House proceed to the next order of business.

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be), say 'Aye'"; and after the affirmative voice is expressed, "As many as are opposed, say 'No'"; if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth (1/5) of the quorum, he shall name one (1) from each side of the question to tell the members in the affirmative and negative, which being reported, he shall rise and state the decision.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in cases of a tie vote for, question shall be decided in the negative.

7. He shall have the right to name any member to perform the duties of the chair when the Speaker Pro Tempore shall be unable to do so, but such substitution shall not extend beyond one (1) legislative day; provided, however, that in the case of illness or unavoidable absence of both the Speaker and the Speaker Pro Tempore, he may make such appointment for a period not exceeding five (5) days, with the approval of the House at the time the same is made.

8. Upon the death of a member of the House, the Speaker or any member of the House designated by him shall incur such expenses as may be necessary for the purchase on behalf of the House a State Flag for use in connection with the funeral and burial of said member, which flag shall be presented to the family of said member.

9. No member or visitor shall visit in the Speaker's stand during the session of the House, except at the instance of the Speaker. The Speaker may call a member to preside when necessary or desirable to confer with a member or visitor.

10. All committees, except the Rules Committee and the Management Committee, shall be appointed by the Speaker unless otherwise specially directed by the House.

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10A. (1) There is hereby created in the House of Representatives the Office of Speaker Pro Tempore of the Mississippi House of Representatives (hereinafter Speaker Pro Tempore).

(2) The Speaker Pro Tempore shall be elected on the same day and in the same manner and method as may be designated for the election of the Speaker of the House of Representatives.

(3) The Speaker Pro Tempore shall serve a term of four (4) years, which term as Speaker Pro Tempore shall expire concurrently with the term being served by the Speaker Pro Tempore as a member of the House of Representatives.

(4) Any vacancy in the Office of Speaker Pro Tempore occurring during a regular or special legislative session shall be filled by election of the House of Representatives within five (5) calendar days after the vacancy occurs. Any vacancy occurring during an interim between legislative sessions shall be filled within the first five (5) calendar days of the next succeeding regular or special session. The person so elected shall serve only the remainder of the unexpired term.

(5) The Speaker Pro Tempore shall have the following powers, duties and responsibilities:

(a) To serve as Speaker of the House of Representatives during the absence, illness or disability of the Speaker, thereby assuming all powers, duties, responsibilities and privileges conferred upon the Speaker by the Constitution, statute, law or rule;

(b) To become Speaker of the House of Representatives in the event of the death of the Speaker, thereby assuming all powers, duties, responsibilities and privileges conferred upon the Speaker by the Constitution, statute, law or rule. However, if the Speaker Pro Tempore becomes the Speaker of the House, a new Speaker Pro Tempore shall be elected;

(c) To preside over the House of Representatives when the Speaker is not presiding and to preside over the House when sitting as the Committee of the Whole unless the Speaker Pro Tempore moved that the House go into the Committee of the Whole;

(d) To serve as the Chairman of the House Management Committee, having full powers of discussion, participation and voting;

(e) To serve as an ex officio member of the Rules Committee, having full powers of discussion, participation and voting;

(f) To consult with the Speaker in resolving points of order or other parliamentary matters; and

(g) Such other powers, duties and responsibilities as may be conferred upon the Speaker Pro Tempore by law or legislative rule.

## RULES COMMITTEE

11. From and after December 31, 1987, the Rules Committee shall be composed of the Speaker, who shall be ex officio a voting member thereof, the Speaker Pro Tempore, who shall be ex officio a voting member thereof, one (1) member from the state at large appointed by the Speaker, and ten (10) other members, two (2) from each congressional district as constituted on January 1, 1996, to be selected by the members from their respective congressional districts by caucus. The place of residence of a member representing such district shall determine the congressional district caucus in which he shall participate and for which he may hold membership on the Rules Committee. The Speaker shall appoint the chairman and the vice chairman from among the members of the Rules Committee, but neither the Speaker nor the Speaker Pro Tempore shall be eligible to serve as chairman or vice chairman of the Rules Committee.

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Any vacancy of a congressional district position occurring during a regular annual legislative session shall be filled by election of the appropriate caucus within ten (10) calendar days after the vacancy occurs. Any such vacancy occurring between regular annual sessions shall be filled by caucus election during the first five (5) calendar days of the next succeeding regular or special session of the Legislature.

No member of the Rules Committee shall concurrently serve as a member of the House Management Committee, except that the Speaker and the Speaker Pro Tempore shall serve on the Management Committee as provided in Rule 11A.

### MANAGEMENT COMMITTEE

11A. (1) There is created the House of Representatives Management Committee (hereinafter Management Committee) to be composed of the Speaker Pro Tempore, who shall serve as ex officio chairman, having full powers of discussion and voting, the Speaker, who shall be ex officio a voting member thereof, and ten (10) other representatives, two (2) from each congressional district of Mississippi as constituted on January 1, 1996, to be elected by caucus of the representatives from each such district. The place of residence of a representative shall determine the congressional district caucus in which the representative shall participate and from which the representative may hold membership on the Management Committee. The members of the Management Committee shall select, from among its members, a vice chairman and secretary.

The members of the Management Committee elected in the year 1987 shall be elected within ten (10) calendar days following the adoption of this rule. The members of the Management Committee thereafter shall be elected during the first calendar week of each regular session having one hundred twenty-five (125) calendar days. Members shall serve a term of four (4) years, and each member's term shall end on the date on which the member's term in the House of Representatives expires.

(2) No member of the Management Committee shall serve concurrently as a member of the House Rules Committee, except that the Speaker and the Speaker Pro Tempore shall serve on the Rules Committee as provided in Rule 11.

(3) Any vacancy of a congressional district position occurring during a regular annual legislative session shall be filled by election by the appropriate caucus within ten (10) calendar days after the vacancy occurs. Any vacancy occurring between regular annual legislative sessions shall be filled by election by the appropriate caucus during the first five (5) calendar days of the next succeeding regular or special session of the Legislature.

(4) The Management Committee shall meet at such times as are necessary for the proper exercise of its functions, and shall have the authority to adopt policies, rules and regulations, not inconsistent with these rules, as it deems necessary for the efficient operation of the committee.

(5) Action by a majority vote of the Management Committee shall control and be conclusive on any matter properly concerning the House of Representatives.

(6) The committee shall function on a year-round basis and when the Legislature is not in session, members of the committee shall be compensated as provided in Section 25-3-69, Mississippi Code of 1972, for each day spent in actual discharge of their duties and shall be reimbursed for mileage and actual expenses incurred in the performance of their duties. No committee member may incur per diem, travel or other expenses unless authorized by vote at a meeting of the committee, which action shall be recorded in the official minutes of the committee.

(7) The Management Committee, in addition to its other responsibilities, shall perform the following duties:

- (a) Conduct the business affairs of the House of Representatives;

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(b) Investigate the feasibility of new and additional staff agencies and make recommendations to the House of Representatives;

(c) Assign such space in the Capitol or in such other buildings or parts thereof as may be reserved for the House of Representatives and have complete control, authority and jurisdiction over such rooms, chambers, offices and other areas. Any assignment of space shall be subject to change by the Management Committee. No other branch of the government, or a department or agency thereof, shall use any room, chamber, office or other area without specific written authorization from the Management Committee. The Management Committee is hereby authorized to delegate its powers with regard to any such room, chamber, office or other area in connection with the maintenance, repairing, construction, reconstruction and refurbishing thereof in such a manner as it deems advisable;

(d) Staff interim committees;

(e) Staff standing committees; and

(f) Continually assess ways and means to improve the organization, procedures, facilities and working conditions of the House of Representatives.

(8) The Management Committee shall have the authority to designate a director, who may also serve as the Clerk or as the Director of the House Legislative Services Office, and who shall carry out the directives of the Management Committee and shall perform any and all duties of the Management Committee delegated to him. The Management Committee may employ other personnel as may be necessary to discharge its duties and responsibilities. All such personnel shall serve at the pleasure of the Management Committee.

The Management Committee shall also have the authority to fix the salaries of all personnel employed by the House of Representatives.

All employees of the House of Representatives required to travel in the performance of official duties shall be reimbursed for actual subsistence and travel expenses incurred by them while on official business as provided by law, provided such travel has prior approval of the Management Committee or the director under such authority as may be granted to him by the Management Committee.

(9) In providing for the staffing of the Speaker's staff and of committees, the Management Committee shall have the responsibility for determining the necessity of any staff positions requested by the Speaker or the chairman of any committee, as the case may be. The persons to be employed for the positions that are approved by the Management Committee shall be hired by the committee with approval of the Speaker. The Speaker shall recommend the compensation to be paid to the Speaker's staff and the committee shall consider these recommendations when fixing those salaries.

(10) The Management Committee, upon request of the chairman of any standing committee of the House of Representatives, may authorize expenses, to include per diem, mileage, meals and lodging, to be paid for members attending the meeting of any standing committee or subcommittees thereof during the period in which the Legislature is not in session, which shall not exceed the compensation provided for members of the Management Committee provided for in subsection (6) of this rule. The Management Committee shall adopt rules and regulations concerning time, places and number of meetings that may be held for which members will be compensated, such rules and regulations to require prior approval of meetings in order for members to be compensated.

(11) The Management Committee shall have general administrative powers and the responsibility for the proper operation of the House Legislative Services Office.

(a) The director, subject to approval of the Management Committee, shall employ full-time professional, technical, clerical and stenographic assistance as may be necessary to carry out the provisions of this subsection.

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(b) The House Legislative Services Office shall assist the House of Representatives, its committees, commissions and individual members of the House of Representatives as follows in:

- (i) Bill research;
- (ii) Bill drafting;
- (iii) Bill analysis;
- (iv) Preparation and writing of standing and interim committee reports; and
- (v) Such other duties as prescribed by the Management Committee.

(c) The House Legislative Services Office must be authorized, in writing, by a House member to prepare a draft before it undertakes the preparation thereof.

(d) No employee of the House Legislative Services Office shall:

- (i) Reveal to any person outside his office the contents or nature of any request for services made by any member of the House except with the written consent of the person making such request;
- (ii) Urge, oppose or attempt to influence any legislation;
- (iii) Give legal advice on any subject to any person, firm or corporation, except members of the House; nor
- (iv) During his employment be associated or interested in the private practice of law in any matter without prior approval of the Management Committee.

A violation of any provision of this section by an employee shall be sufficient cause for his or her immediate dismissal. However, this paragraph shall not be a limitation on the authority of the Management Committee to dismiss or change its employees.

(12) The Department of Finance and Administration shall cooperate with the Management Committee in making space available either in the Capitol or in any other buildings easily accessible to members of the Legislature.

(13) The funds necessary to carry out the provisions of this rule shall be paid from the funds appropriated to the House of Representatives Contingent Fund made by the Legislature for the purposes herein set out.

(14) At such time as there may be designated or created in the Senate of the State of Mississippi a committee with like duties and responsibilities of the House Management Committee, the House Management Committee is authorized to meet jointly with such corresponding Senate committee in order to more effectively carry out the provisions of this rule.

### DUTIES OF THE CLERK

12. When a bill has passed, it shall be certified by the Clerk, who shall note thereon the day it passes.

13. He shall stand while reading papers to the House, he shall attest all writs, warrants and subpoenas issued by order of the House.

14. The Clerk of the House of Representatives shall keep a correct Journal of the proceedings of the House, and, on each day, shall read over the Journal of the preceding day to the House. He shall number, file and preserve in its proper order, each bill, resolution, memorial, or other paper introduced in the House, and carefully engross and enroll all bills, resolutions, memorials and other papers that may be ordered to be engrossed or enrolled; and shall promptly and faithfully discharge all the duties incident to the House, provide for control of employees of the House under Speaker, provide for pay of members, employees, and control pages and porters. (Statutory)

15. Pages shall be appointed to serve for one (1) week at a time each, under the control and direction of the Clerk of the House. Only persons over the age of thirteen (13) years shall be eligible to serve as pages.

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16. The Sergeant at Arms of the House of Representatives shall have general supervision, under the direction of the Speaker of the House, in maintaining the decorum and security of the House. He shall attend the sittings of the House, preserve order, execute its commands and all processes issued by its authority or by a House committee's authority, and have control of the assistants to the Sergeant at Arms. He shall clear the House of all visitors one (1) hour before each session convenes and not allow visitors on the Floor of the House for ten (10) minutes after a session has recessed or adjourned. He shall see that the Hall of the House and the Committee Rooms and the Room of the Speaker of the House, the anterooms, lobbies and galleries thereof are secure during the sitting of the House, and that all necessary conveniences are supplied to the members, officers and committees.

17. Each assistant to the Sergeant at Arms of the House of Representatives shall be known as an Assistant Sergeant at Arms, and shall perform such duties as may be required of him by the Sergeant at Arms.

### DECORUM AND DEBATE

18. When any member desires to speak, to make a motion, or deliver any matter to the House, he shall rise at his desk and respectfully address himself to "Mr. Speaker" and, on being recognized, may address the House from any place on the floor and shall confine himself to the question under debate and avoid personalities.

18A. Whenever a member is on the floor of the House while the House is in session, each male member of the House shall wear a coat and necktie, except when seated, and each female member of the House shall wear appropriate attire. No visitor or guest on the House floor shall be required to comply with this rule.

18B. Smoking shall not be permitted in any areas of the New Capitol Building that are assigned to the House of Representatives and under the jurisdiction of the House Management Committee, except as may be authorized in designated smoking areas under the provisions of Section 29-5-161, Mississippi Code of 1972. For the purposes of this rule, the "person, agency, or entity having jurisdiction or supervision over a state office building," as referred to in Section 29-5-161, shall mean the House Management Committee and the areas of the New Capitol Building that are assigned to the House of Representatives and under the jurisdiction of the Management Committee. As used in this rule, "smoking" means to inhale, exhale, burn, carry or otherwise possess any lighted cigarette, cigar, pipe or any other object or device of any form that contains lighted tobacco or any other smoking product. The Sergeant at Arms shall enforce the provisions of this rule.

18C. Beginning with the 2008 Regular Session, the Committee on Rules shall contract with the Mississippi Authority for Educational Television, or another appropriate service, to telecast the regular floor proceedings of the House by high-speed wireless Internet transmission. Cameras used in making such telecasts may be allowed only to show a House member speaking at the podium and the Speaker or other officer presiding over the House while the House is convened. Reporters and technicians necessary to effectuate the telecasts may be admitted to the House chamber for this limited purpose; however, no camera, apparatus or procedure that would interfere with the proceedings of the House shall be used, and all telecasting shall be done from areas reserved or set aside for such activities by the Committee on Rules. No such telecast shall be archived or recorded for future use by the House or its contractee.

19. No member shall call by name another member present in debate.

20. If any member, in speaking, or otherwise, transgresses the Rules of the House, the Speaker shall, or any member may on point of order ask the Speaker to call the transgressor to order; and the member called to order shall immediately sit down, unless permitted on motion of another member to explain, and the House if appealed to, shall decide on the case without debate. If the decision be in favor of the

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member called to order, he shall be at liberty to proceed; if against him and the case requires it, he shall be liable to the censure of the House, or such other punishment as the House may deem proper.

21. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate on other business has intervened.

22. When two (2) or more members rise at once the Speaker shall name the member who is first to speak.

23. No member shall speak more than ten (10) minutes on any main question, or five (5) minutes on an amendment, without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken. A member who has spoken once, but who has not consumed his whole time shall not be permitted to speak again on the same question until each member that desires to do so shall have spoken.

24. After the motion to lay on the table, those in opposition to the motion shall be allowed five (5) minutes for discussion.

25. While the Speaker is putting a question, or addressing the House, no member shall walk out of, or across or about the Hall or converse with another, nor when a member is speaking, pass between him and the Chair, or entertain private discourse. And during the session of the House, no member or other person shall remain at the Clerk's desk at any time. No member or others shall expectorate upon the floor of the House, and the Sergeant at Arms and doorkeepers are charged with the strict enforcement of this rule.

26. No member shall vote on any question in the result of which he is pecuniarily interested, nor in any other case where he was not present when the question was put.

27. Every member who shall be in the House when a question is put shall vote on one (1) side or the other unless the House shall, for special reasons, excuse him.

28. No member shall absent himself from the service of the House, unless he shall have leave, or be sick, or unable to attend. Fifteen (15) members shall be authorized to compel the attendance of absent members and order a call of the House.

### **ON MOTIONS, THEIR PRECEDENCE, ETC.**

29. A motion to adjourn shall always be in order except when operating under the previous question, but a motion to adjourn being lost, shall not be renewed until some business has intervened.

30. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member, and may be entered on the Journal with the name of the member making the motion.

31. When a motion has been made, the Speaker shall state it or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn by unanimous consent at any time before a decision or amendment.

32. No dilatory motion shall be entertained by the Speaker.

33. When a question is under debate, no motion shall be received but:

- (1) To adjourn
- (2) To lay on the table

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- (3) For the previous question
- (4) To lay on the table subject to call
- (5) To postpone to a day certain
- (6) To refer
- (7) To amend
- (8) To postpone indefinitely

which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

34. A motion to postpone a question beyond the time at which it can be considered is equivalent to complete disapproval and should be treated as a motion to postpone indefinitely.

The motion to postpone indefinitely is debatable and opens the main question to debate.

A majority vote of the members voting is required for the adoption of the motion to postpone indefinitely. The adoption of a motion to postpone indefinitely shall be treated as a vote on the final passage of a measure and shall be subject to reconsideration as such.

35. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment; nor shall any amendment be adopted changing the original purpose of the bill.

36. The adoption of an amendment to a section shall not preclude further amendments to that section. If a measure is being considered section by section or item by item, only amendments to the section or item under consideration shall be made. The Speaker shall, in recognizing members for the purpose of moving the adoption of amendments, endeavor to cause all amendments to Section 1 to be considered first, then all those to Section 2 and so on. After all sections have been considered separately, the whole measure shall be open for amendment.

An amendment to strike all after the enacting or resolving clause or to strike out the enacting or resolving clause of a measure shall, if carried, be considered as equivalent to rejection of the measure by the House, and the vote thereon shall be taken by a roll-call vote. Amendments to an amendment shall be voted on before substitute is taken up. Only one (1) amendment to the amendment is in order at one time; but as rapidly as one is disposed of by rejection or adoption, another is in order as long as any member desires to offer one. A substitute amendment may be offered to an amendment. An amendment to the substitute may be offered. No other amendment can be offered since the third degree has been reached. The vote shall be taken in the following order: the amendment to the amendment shall first be voted on; then the amendment to the substitute; then the substitute amendment and if the substitute is adopted, then the original amendment shall be regarded as automatically tabled.

An amendment to a pending question requires only a majority vote for its adoption, even though the question may require a vote greater than a majority, for adoption.

It is in order for a House bill with Senate amendments to be referred to the proper committee or committees.

On all questions, whether in committee or in the House, the last amendment, the most distant day or hour and the largest sum shall be put first.

## SUSPENSION OF RULES

37. No rule shall be suspended except by the concurrence of two-thirds (2/3) of the members present.

38. All motions to suspend the rules shall embrace fully the object for which they are to be suspended.



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39. A motion to suspend the rules shall be deemed a privileged motion, and shall take precedence of all other motions except the motion to adjourn, but it shall not be in order to make a motion to suspend the rules while the House is engaged in the consideration of other business.

40. On a motion to suspend the rules for reading a bill a third time, no debate shall be allowed unless the motion prevails.

41. An affirmative vote on a motion to suspend the rules for the purpose of taking up any particular bill, or resolution, shall not have the effect of precluding any motion or amendment in relation thereto which would have been in order if the bill or resolution had been brought before the House in the regular order.

42. A motion to suspend the rules for a particular purpose having been decided in the negative, it shall not be in order to renew the motion for the same purpose during the same day.

### MOTION TO REFER

43. Bills, resolutions, petitions, memorials, reports, and other papers addressed to the House may be referred upon original reference at the pleasure of the House by suspension of the rules; provided, however, any bill, resolution, petition, memorial, report, or other paper being before the House after the original reference thereof may be referred to a standing or select committee by a majority vote of the members of the House present and voting.

44. The vote on a motion to refer to committee may not be reconsidered. A motion to recommit or commit to committee shall be considered a motion to refer.

45. Bills, resolutions, petitions, memorials, reports, and other papers addressed to the House may be presented by any member who shall state briefly to the House the contents thereof; and no such bill, resolution, petition, memorial, report or other paper addressed to the House shall be read in full to the House but shall be filed with the Clerk, attention called thereto, and referred to the proper committee, unless by a majority vote of those present in the House should desire the same read.

46. Any member upon recognition by the Speaker may object to the reading of any document before the House. After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker.

47. When a bill, resolution, petition, memorial, report and other paper addressed to the House is offered, a motion made to refer any subject, and different committees are proposed, the question shall be taken in the following order:

A standing committee

A select committee

Committee of the Whole

When more than one (1) standing committee is proposed, the last proposed shall be the first voted upon as an amendment to strike out and insert.

48. Bills, resolutions, petitions, memorials, reports, and other papers addressed to the House shall, upon introduction, be referred by the Speaker to the committee having jurisdiction over the subject matter, and shall be considered by the House only after having been reported by such committee.

Provided, however, it shall be in order to consider a bill, resolution, petition, memorial, report, and other papers under the suspension of rules.

49. When a bill or concurrent resolution is originally referred to two (2) or more committees and favorably reported by them, the chairman of the first-named committee shall have the option of handling the bill or resolution on the floor.

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Local and private bills may, in the discretion of the Speaker, be referred to two (2) or more committees, if, in the discretion of the Speaker, the nature and effect of said local and private bill shall require the consideration of another committee.

General bills written in such a way as to be local and private in nature shall be referred by the Speaker to the Committee on Local and Private Legislation and/or such other committee as permitted by the rules.

### READING OF BILLS

50. After a bill has been read for the first time, if there is no objection, the rules shall be considered suspended and the bill placed on its second reading.

51. After a bill has been read the second time it shall be subject to amendment, but no discussion shall be allowed, or amendment adopted, until the bill shall have been referred to a committee with the proposed amendments thereto.

52. When a bill is up for final passage, and two (2) or more major amendments have been adopted, a motion to recommit shall be in order and have precedence over all other business.

53. Special order after the reading of the Journal of the preceding day shall be:

- (1) Senate messages.
- (2) Senate bills on the first and second reading and for the proper reference to the committees.
- (3) House bills on second reading.

### REGULAR ORDER

54. The regular order shall be:

- (1) Report of select committees.
- (2) Report of standing committees in their order.
- (3) Introduction of bills and constitutional amendments.
- (4) Resolutions, petitions, memorials and other papers.
- (5) Introduction of guests and visitors.
- (6) Disposition of pending business on previous day, provided that nothing shall be considered under this section except propositions actually pending before the House at the time of adjournment on said previous day.
- (7) Consideration of conference reports.

When a conference report is called up, only three (3) courses are open: (a) agree, (b) disagree, or (c) recommit to the same or another conference committee with or without instructions. Provided, however, only two (2) motions for the three (3) courses are in order: (a) agree, or (b) recommit to the same or another conference committee with or without instructions. If both motions are offered, the motion to recommit shall take precedence.

A conference report must be acted on as a whole and dealt with in its entirety.

A conference report may not be amended except by a concurrent resolution.

When conference results in disagreement, conferees reporting such disagreement in writing are thereby discharged and new conferees may be appointed.

- (8) Consideration of bills for concurrence.

When Senate amendments to a House bill are before the body, they shall be either concurred in or not concurred in their entirety and not separately. The motion that the House do not concur in Senate amendments but invite conference shall take precedence over the motion that the House do concur. The concurrence in amendments adopted by the other house shall require for adoption the same vote as was

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required for the original passage of the measure and shall be on roll call duly entered and recorded in the Journal of the House.

(9) Consideration of motions to reconsider.

(10) Consideration and passage of bills and resolutions on the general calendar.

(11) The Rules Committee may report at any time.

### ORDER OF BUSINESS

55. The order of business shall not be changed except by two-thirds (2/3) vote of those present and voting, and all questions relating to the priority shall be decided without debate.

### COMMITTEE OF THE WHOLE

56. In all cases in forming a Committee of the Whole, which shall be done by a two-thirds (2/3) vote of the members present and voting, the Speaker shall leave his chair and the Speaker Pro Tempore shall preside. If the Speaker Pro Tempore is absent or if the Speaker Pro Tempore moved to go into the Committee of the Whole, the Speaker shall appoint a chairman to preside, who shall, in case of disturbance or disorderly conduct in the gallery or lobby, have the power to cause the same to be cleared, but the member making the motion to go into Committee of the Whole shall not be called to the chair.

57. Upon a bill being referred to the Committee of the Whole, the same shall first be read through by the Clerk, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered. After report, the bill shall again be subject to debate and amendment before the question of engrossing it be taken.

58. The only motions permitted in Committee of the Whole are: to limit debate; to propose amendments; to recommend; to recess committee subject to the call of the chairman; to reconsider, provided said motion to reconsider may be called up immediately or at any time during the time the House is resolved into the Committee of the Whole for the consideration of the matter before the committee; and to rise.

59. The rules of the procedure in the House shall be observed in the Committee of the Whole so far as they may be applicable and in all committees, provided standing and select committees may exclude from their committee procedures those House Rules not compatible, in the opinion of said committee, with the proper function of said committee.

### STANDING COMMITTEES

60. (1) The following shall be the standing committees of the House:

(a) Rules Committee, as provided for in Rule 11 of these rules;

(b) Management Committee, as provided for in Rule 11A of these rules;

(c) Ethics Committee, as provided for in Rule 63A of these rules;

(d) Committee

	Number of Members
Agriculture	33
Apportionment and Elections	17
Appropriations	33
Banking and Financial Services	15
Conservation and Water Resources	29

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Constitution	15
Corrections	17
County Affairs	19
Education	31
Energy	17
Fees and Salaries of Public Officers	15
Forestry	11
Gaming	15
Insurance	17
Interstate Cooperation	7
Judiciary	50
Local and Private Legislation	7
Marine Resources	11
Medicaid	19
Military Affairs	11
Municipalities	17
Ports, Harbors and Airports	11
Public Health and Human Services	29
Public Property	19
Public Utilities	17
Tourism	17
Transportation	29
Universities and Colleges	27
Ways and Means	33
Wildlife, Fisheries and Parks	15
Workforce Development	11
Youth and Family Affairs	25

(2) No member shall serve on both the Committee on Ways and Means and the Committee on Appropriations. Each member may serve on at least four (4) committees listed in this rule.

(3) The Committee on Appropriations and the Committee on Ways and Means each shall consist of thirty-three (33) members appointed by the Speaker, six (6) members from each congressional district as constituted by the final judgment of the United States District Court for the Southern District of Mississippi dated December 30, 2011, and nine (9) members from the state at large. Appointments from the congressional districts shall be made on the basis of seniority. For the purposes of this rule, "seniority" shall mean length of service, continuous or interrupted, in either the House of Representatives or the Senate. However, seniority among members having the same length of service shall be determined as follows: first, continuous, uninterrupted service in the House; second, continuous, uninterrupted service in the House and Senate; third, interrupted service in the House; and fourth, interrupted service in the House and Senate.

(4) In order for a member to be eligible for the rights accorded by this subsection (4), a member shall submit a list of his or her committee preferences, setting forth at least ten (10) committees in order of preference with the most preferred being first on the list, to the Clerk of the House by 5:00 p.m. on the third calendar day of the first legislative session immediately following the year in which the members of the Legislature are elected. With regard to committee appointments, the following shall be followed by the Speaker of the House in making such appointments:

(a) Each member of the House who has served in the House for less than four (4) years, whether such service be continuous or interrupted, and who is not appointed to be a member of the Committee on Appropriations or the Committee on Ways and Means shall, as a matter of right, be appointed to serve on at least two (2) of the first seven (7) committees on such list, not to include Appropriations and Ways and Means; and

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(b) Each member of the House who has served in the House for four (4) years or more, whether such service be continuous or interrupted, and who is not appointed to be a member of the Committee on Appropriations or the Committee on Ways and Means shall, as a matter of right, be appointed to serve on at least three (3) of the first seven (7) committees on such list.

(5) In making committee appointments, the Speaker shall give consideration to the preferences as expressed by the members on their lists as provided in subsection (4) of this rule, and to the seniority, abilities, and geographic location of the members.

61. The first member named on a committee shall be its chairman and the second member named shall be its vice chairman. However, from and after December 31, 1987, no member who serves as chairman or vice chairman of a standing committee shall serve as chairman or vice chairman of another standing committee. There shall be no further rank on committees, the remaining members being listed thereon in alphabetical order. Each committee shall, after its organization, immediately determine by a majority vote what shall constitute a sufficient quorum for it to proceed to business, which quorum shall be not less than a majority of the committee, and shall report said action to the Clerk of the House.

62. The Judiciary Committee shall be divided into two (2) divisions to be known as "Division A" and "Division B." The members of each division shall be selected by the Speaker of the House and bills, resolutions and other measures, at the discretion of the Speaker, may be referred to Judiciary en banc, in which event the two (2) divisions shall sit as one (1) committee and be presided over by the Chairman of Division A.

63. The chairman of each House committee shall keep a record of meetings and attendance and shall make with his report each time a statement showing the hour his committee met and the hour it adjourned, together with the names of all the members of the committee who were absent from the meeting, who had not been previously excused by him or by the Speaker to attend to other legislative duties.

### **ETHICS COMMITTEE**

63A. As used in the context of this rule, the word "committee" shall mean the Committee on Ethics of the House of Representatives, and the phrase "majority of the committee" shall mean a majority of the members to which the committee is entitled.

The committee shall consist of eight (8) members, one (1) from each congressional district as constituted on January 1, 1996, and one (1) from each Supreme Court district, appointed by the Speaker. The Speaker shall appoint from the members a chairman, vice chairman and secretary for the committee.

The chairman shall notify all members of the committee at least twenty-four (24) hours in advance of the date, time and place of a meeting. Whenever the chairman shall refuse to call a meeting, a majority of the committee may vote to call a meeting by giving two (2) days' written notice to the Speaker of the House setting forth the time and place for such meeting. Such notice shall be posted in the office of the Clerk of the House, and if such meeting is called while the Legislature is in session the notice shall be read to the House. Thereafter, the meeting shall be held at the time and place specified in such notice.

The committee shall conduct its investigations, hearings and meetings relating to a specific investigation or a specific member, officer or employee of the House in closed session, and the fact that such investigation is being conducted or to be conducted, or that hearings or such meetings are being held or are to be held shall be confidential information, unless the person subject to investigation advises the committee in writing that he elects that such hearing shall be held publicly. In the event of such an election, the committee shall furnish such person a public hearing. All other meetings of the committee shall be open to the public.

The committee shall receive complaints from any citizen against members, officers and employees of the House alleging improper or unethical conduct. Any such complaint must be in writing signed by the

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person filing the complaint and acknowledged by a notary public, and must set forth in detail the conduct in question and the section of the Code of Ethics, other House Rule, written policy of the House adopted by the Management Committee, statute, or of the Constitution violated. The person against whom the complaint has been brought shall be notified in writing and given a copy of the complaint. Within fifteen (15) days after receipt of the complaint, such person may file a written answer thereto with the committee. Upon receipt of the answer, by vote of a majority of the committee, the committee shall either dismiss the complaint within ten (10) days or proceed with a formal investigation, to include hearings, not less than ten (10) days nor more than thirty (30) days after notice in writing to the person so charged that the committee is proceeding with a formal investigation. Personal service of such notice shall be made by the Sergeant at Arms of the House of Representatives and a return made thereon to the committee. Failure of the person charged to file an answer shall not be deemed to be an admission or create an inference or presumption that the complaint is true, and such failure to file an answer shall not prohibit a majority of the committee from either proceeding with a formal investigation or dismissing the complaint.

A majority of the committee may, on its own, initiate a preliminary investigation of any suspected violation of the Code of Ethics, other House Rule, written policy of the House adopted by the Management Committee, statute, or Constitution by a member, officer or employee of the House. If it is determined by a majority of the committee that a violation of a rule or law may have occurred, the person in question shall be notified in writing of the conduct in question and the section of the Code of Ethics, other House Rule, written policy of the House adopted by the Management Committee, statute or Constitution violated. Within fifteen (15) days, such person may file a written answer thereto. Upon receipt of the answer, by vote of a majority of the committee, the committee shall either dismiss the charges within ten (10) days or proceed with a formal investigation, to include hearings, not less than ten (10) days nor more than thirty (30) days after notice in writing to the person so charged that the committee is proceeding with a formal investigation. Personal service of such notice shall be made by the Sergeant at Arms of the House of Representatives and a return made thereon to the committee. Failure of the person charged to file an answer shall not be deemed to be an admission or create an inference or presumption that the charge is true, and such failure to file an answer shall not prohibit a majority of the committee from either proceeding with a formal investigation or dismissing the charge.

In the event that the committee desires to review the statement of economic interest or any other statement filed with the Mississippi Ethics Commission by any member, officer or employee of the House, the commission shall furnish a certified copy of the statement to the committee.

In the event that the committee shall elect to proceed with a formal investigation of the conduct of any member, officer or employee of the House, the committee may, in its discretion, employ independent counsel who shall not be employed by the House for any other purpose or in any other capacity during such investigation.

Such person shall be entitled to present evidence, cross-examine witnesses, face his accuser, and be represented by counsel.

The chairman may continue any hearing for reasonable cause, and upon the vote of a majority of the committee or upon the request of any person subject to investigation, the chairman shall issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under formal investigation by the committee.

All testimony, documents, records, data, statements or information received by the committee in the course of any investigation shall be private and confidential, except in the case of public hearings or in a report to the House. The committee may release any confidential information, including a report thereon, regarding any member, officer or employee at the request of such member, officer or employee. No report shall be made to the House unless a majority of the committee has made a finding of unethical or improper conduct on the part of the person under investigation. No finding of unethical or improper conduct shall be valid unless signed by at least a majority of the committee. Any such report may include a minority report. No action shall be taken on any finding of improper or unethical conduct nor shall such

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finding or report containing such finding be made public sooner than seven (7) days after a copy of the finding is sent by certified mail to the member, officer or employee under investigation.

The committee may meet with a committee of the Senate to hold investigations or hearings involving employees of the two (2) houses jointly or employees of the Legislative Reference Bureau, the Joint Legislative Committee on Performance Evaluation and Expenditure Review, the Joint Legislative Budget Committee and any other joint committee created by the Legislature; provided, however, no action may be taken at a joint meeting unless it is approved by a majority of the committee.

In the event that a member of the committee shall be under investigation, such member shall be temporarily replaced on the committee in a like manner as said member's original appointment.

The committee, whether or not at the request of a member, officer or employee concerned about an ethical problem relating to himself alone or in conjunction with others, may render advisory opinions with regard to questions pertaining to legislative ethics or decorum. Such advisory opinions, with such deletions and changes as shall be necessary to protect the identity of the person involved or seeking them, may be published and distributed to all the members of the House.

Any member of the committee breaching the confidentiality of materials and events as set forth in this rule shall, by a majority vote of the committee, be removed immediately from the committee and replaced by another member of the House in a like manner as said member's original appointment.

Any officer or employee of the House shall be subject to the same restriction of confidentiality as a member of the committee, and a breach of this restriction shall be grounds for dismissal of any officer or employee.

The committee may adopt rules of procedure for the orderly conduct of its affairs, investigations, hearings and meetings, which rules are not inconsistent with this rule.

The committee shall continue to exist and have authority and power to function after the sine die adjournment of the Legislature, and shall so continue until the expiration of the then current term of office of the members of the committee.

### CODE OF ETHICS

63B. In addition to the other rules of the House of Representatives, and in supplement thereto, the following Code of Ethics is established as a standard of conduct for members.

(1) No member, officer or employee of the House shall:

(a) Accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(b) Improperly disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests;

(c) Use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others;

(d) Use for private gain any information not available to the public at large and acquired by him solely by virtue of his position, and no information described in this subsection shall be disclosed by a member to others for purposes of their use for private gain.

(2) Each member of the House shall file the statement of economic interest or any other statement required to be filed by the Mississippi Ethics Commission which shall be signed under oath as to the

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accuracy and completeness of the information set forth to the best knowledge of the person submitting such statement.

Required statements hereunder shall be filed with the Mississippi Ethics Commission with such information as is required by law. In the event of any substantial change occurring after the time required for filing as to matters covered in this section, a supplemental statement shall be filed within thirty (30) days thereafter reflecting such new information.

In addition to the filings required herein, a member may make additional filings with a request for an advisory opinion from the Ethics Committee on any matter which the member feels is subject to interpretation under this rule.

(3) Any member who shall undertake to represent or to intervene for any person for compensation before any state agency shall file a statement with the Ethics Committee within thirty (30) days after undertaking said representation. Such statement shall identify the person represented and the nature of the business involved; provided, however, that this provision shall not apply: (a) where such representation involves only the uncontested or routine actions of administrative officers or employees of the state in issuing or renewing a license, charter, certificate or similar document, and (b) where such representation is before the Mississippi Workers' Compensation Commission.

(4) In addition to the filings required herein, copies of the statements required to be filed under this rule shall be filed with the Secretary of State. Such statements shall be open to the general public and shall be filed at the same time as filings required hereinabove.

64. Appropriation and revenue bills shall, at regular sessions of the Legislature, have precedence over all other business and no such bill shall be passed during the last five (5) days of the session.

65. It shall be the duty of the Committee on Engrossed and Enrolled Bills to examine all engrossed and enrolled bills, correct all mistakes therein, and report the bills to the House and this report shall be in order at any time.

### THE PREVIOUS QUESTION

66. There shall be a motion for the previous question, which being ordered by a majority of members voting, if a quorum be present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question, or questions, on which it has been asked and ordered, except that each side shall be allowed ten (10) minutes on the main question and five (5) minutes on any subsidiary question for debate, the affirmative closing the debate. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its recommitment, passage or rejection. It shall be in order after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion without debate to recommit, with or without instruction, to a standing or select committee. Provided, however, a motion to reconsider the vote whereby an amendment has been adopted or rejected shall not be in order after the previous question has been ordered.

67. If the previous question is lost, the motion may not be renewed until a subsequent vote has been taken on any matter.

68. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether an appeal or otherwise, without debate.

### ON CALLS OF THE ROLL

69. Upon every roll call the names of the members shall be called alphabetically by surname, except when two (2) or more have the same surname, in which case the name of the county shall be added; and



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if there be two (2) such members from the same county, the name and initials shall be called, and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair; and the yeas and nays on any question shall be entered on the Journal, at the request of one-tenth (1/10) of the members present; and the yeas and nays shall be entered on the Journal on the final passage of every bill.

### ABSENCE OF QUORUM

70. In the absence of a quorum, fifteen (15) members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the doors shall be closed, the names of the members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers appointed by the Sergeant at Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

71. On the demand of any member, or at the suggestion of the Speaker, the names of members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the members voting and be counted and announced in determining the presence of a quorum to do business.

72. Whenever a quorum fails to vote on any question and a quorum is not present and objection is made for that cause, unless the House shall adjourn there shall be a call of the House, and the Sergeant at Arms shall forthwith proceed to bring absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered.

The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question, and, after the roll call is completed, each member arrested shall be brought by the Sergeant at Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear; and thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated.

### DIVISION OF QUESTION

73. On demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance, that one being taken away, a substantive proposition shall remain.

74. Questions of privilege shall be:

First, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings.

Second, the rights, reputation and conduct of members individually in their representative capacity only; and shall have precedence of all other questions except motions to adjourn.

### HOURS OF MEETING AND ADJOURNMENT

75. Two o'clock in the afternoon shall be the standing hour to which the House shall adjourn.

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76. The hour at which every motion to adjourn is made shall be entered on the Journal.

77. The regular hour for committee meetings shall be at 9:00 o'clock a.m., unless otherwise ordered by the committee and it shall be the duty of the Rules Committee to prescribe a schedule for regular meetings of standing committees.

78. Every bill or resolution, when favorably reported by the proper committee, shall be reproduced with sufficient copies so that copies thereof may be placed on the desk of every member before any such bill or resolution shall be placed on final passage. No bill or resolution shall be considered by the House unless members have been furnished copies thereof, except by unanimous consent. When a bill or resolution is being considered by the House, all amendments offered have been disposed of, and two (2) or more major amendments have been adopted, any member may move that the bill be engrossed. If such motion be adopted by a majority of those present and voting, further consideration of such bill or resolution shall be suspended until the bill or resolution has been engrossed and all members present have been furnished copies of the engrossed bill or resolution. When the membership shall have been furnished copies of the engrossed bill or resolution, the bill or resolution shall then become pending business of the House as soon as the main question then under consideration shall have been disposed of. The committee or any member proposing a substitute or an amendment which is, in effect, a substitute for an entire bill or resolution, shall provide all members present copies of any such substitute or amendment before the same shall be voted on for consideration or adoption except on suspension of the rules.

79. When a bill, memorial or resolution has been finally rejected in the House, it shall not again be introduced or considered during the same session without notice of three (3) days and leave of two-thirds (2/3) of the members present and voting, and a bill so offered for reintroduction shall be regarded as the same, if it deals substantially with the same subject matter.

### SPECIAL ORDER

80. Special orders of the day not disposed of on the day assigned, shall stand for every succeeding day, until disposed of.

81. (1) A motion to postpone to a day certain shall require a majority of those present and voting for its adoption, but a motion to postpone to a time certain shall be deemed, and treated as, a motion to set as a special order. (2) A motion to set a special order may be amended as to time. It is debatable only as to the question of setting the special order and does not open up the main question to debate. (3) A motion to set a special order shall require a two-thirds (2/3) vote of those members present and voting. (4) When special orders that have been made at different times come into conflict, the one that was first made takes precedence over all special orders made afterwards, although the latter were made for an earlier hour.

### CALENDARS

82. Bills reported by committees shall be given a serial number by the Clerk and shall be placed on the calendar in the order in which reported by the committee and shall be called for consideration in that order. When a bill is called for consideration in the order in which placed on the calendar and is not considered by the House, it shall go to the heel of the calendar; provided, however, that separate calendars shall be kept for the bills reported by the Committees on Ways and Means, Appropriations, and Local and Private Legislation.

83. Any committee or individual member of the House may apply to the Committee on Rules to set a time for the taking up, ahead of its regular place on the calendar, of any measure favorably reported by the committee to which the measure has been referred. The Committee on Rules may grant such request by a majority vote. The Committee on Rules may designate a day of each legislative week as a noncontroversial bill day. When such a day be designated, all bills appearing on the calendar shall be

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considered in their regular order provided, however, that should ten percent (10%) of the membership object to any measure on the noncontroversial calendar stating that it is of a controversial nature, that measure shall go to the heel of the General House Calendar.

84. The calendar shall be made up from day to day.

### MINORITY REPORT

85. Bills adversely reported by the committees shall not be placed on the calendar at all unless accompanied by a minority report signed by one or more members who were present at the committee meeting at which the bill was reported. Minority reports must be filed within three (3) legislative days after the bill has been reported by the committee; a minority report shall be placed on the calendar at the heel of favorably reported bills and shall not be considered until all favorably reported bills are disposed of, except on a suspension of the rules on a two-thirds (2/3) vote of those elected to the House and on roll call, whereupon, the House may proceed immediately to the consideration thereof.

86. Matters affecting the public interest and regarded as of immediate necessity may be advanced on the calendar by the Rules Committee, and such matters may also be advanced on the calendar by a vote of a majority of the members elected to the House of Representatives.

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87. The permanent Rules of the House may not be changed or amended except by three (3) days' notice by a motion entered in writing and placed on the Journal and by a vote of three-fifths (3/5) of those present and voting, except that no rule shall be changed or amended unless at least a majority of the elected members of the House of Representatives vote for said change or amendment.

Provided, however, the rules, or a rule, may be amended or changed by a resolution referred to the Rules Committee, reported favorably, and adopted by a majority of the elected members of the House of Representatives, and such resolutions, once reported, shall not be amended except by a three-fifths (3/5) vote of the elected members of the House of Representatives.

A motion to reconsider the vote whereby a rule has been adopted or failed shall not be in order at any time.

88. The current Rules of the House of Representatives of the United States shall govern in all cases to which they are applicable and in which they are not inconsistent with the foregoing rules, the Joint Rules of the Senate and the House of Representatives, and the Constitution of the State of Mississippi.

89. No person shall be entitled to enter upon the Floor of the House except: Members, their spouses, former members of the Legislature, unless said former member is a registered lobbyist, officers and employees of the House; members, officers and employees of the Senate; members of the news media who have proper credentials issued by the Rules Committee; ministers invited by the Speaker or the Clerk; and such others as the Committee on Rules may designate.

Doors between the lobby and the cloak room, and the door between the lobby and the Hall of the House shall be kept closed. Visitors invited and personally accompanied by members are permitted in the lobby. The Speaker is charged with the enforcement of this rule, and it shall be the duty of any member, officer or employee of the House to inform the Speaker of any violation of this rule. This rule is applicable from one (1) hour before the House convenes each day until the House adjourns each day.

90. Privilege of reports from Committee on Rules, and limitations thereon.

It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds (2/3) of the members voting, but this provision shall not

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apply during the last days of the session), and, pending the consideration thereof, the Speaker may entertain one (1) motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

91. No committee, except the Committee on Rules, shall sit during the sitting of the House, without special leave.

### INTRODUCTION OF BILLS

92. Each member, who desires to introduce a bill shall place same in box in front of the Clerk's desk at any hour to suit his convenience, and the Clerk is instructed to take these out at each session when the order for introduction of bills and constitutional amendments is reached, and read their titles, and after the expiration of one (1) legislative day the Speaker shall refer them to the proper committees; provided, however, that this shall not prevent the immediate references of said bills or constitutional amendments under a suspension of the rules.

93. All bills and resolutions must be typewritten or printed. Bills and resolutions must be introduced in original form (not carbon, photocopy or facsimile) and should be free from interlineations, corrections and strikeouts, whether with ink, pencil or typewriter. Amendments proposed by members or by committees must not be written into a bill or resolution until such amendments shall be adopted by the House.

94. In addition to any other time provided by law or by rule, members of the House may file bills or resolutions with the Clerk of the House at any time during the period between sessions of the Legislature. Such prefiled bills shall be numbered by the Clerk of the House and referred by the Speaker to the appropriate standing committee of the House for study. Such prefiled bills shall be introduced in the order filed on the first day of the next succeeding regular session of the Legislature, or special session if included within the Governor's call, and referred to committee in the regular order of business of the House.

### WITHDRAW FROM COMMITTEE

95. (1) Except as otherwise provided in subsections (2), (3), (4) and (5) of this rule, every House bill, resolution or measure referred to any committee, and not reported therefrom with a recommendation by the twenty-seventh day of a ninety-day session and by the sixty-second day of a one-hundred-twenty-five-day session, and every Senate bill, resolution or measure referred to any committee, and not reported therefrom by the fifty-fifth day of a ninety-day session and by the ninetieth day of a one-hundred-twenty-five-day session, may be withdrawn from the committee on a motion made in writing, which motion must be read by the Clerk immediately upon its introduction, setting forth the reasons why the bill should be withdrawn from the committee, by a vote of two-thirds (2/3) of the members present and voting. It may then be taken up and considered by the Committee of the Whole House in accordance with the procedure set forth in House Rule 56, or, by a two-thirds (2/3) vote of those present and voting it may be recommitted to a standing committee. During extraordinary or special sessions of the Legislature, any bill, including an appropriation or revenue bill, may be withdrawn from committee after three (3) days from the date of reference. A motion to withdraw a bill from a committee shall not be voted upon by the House on the day which the motion is made, except upon suspension of the rules by a two-thirds (2/3) vote of those present and voting.

(2) Any House appropriation bill or revenue bill referred to the House Appropriations Committee or the House Ways and Means Committee and not reported therefrom with a recommendation within ten (10) legislative days after referral may be withdrawn from the committee in accordance with the procedure set forth in subsection (1) of this rule if the motion for withdrawal is made by the fiftieth day of a ninety-day session and by the eighty-fifth day of a one-hundred-twenty-five-day session.

(3) Any Senate appropriation bill or revenue bill referred to the House Appropriations Committee or the House Ways and Means Committee and not reported therefrom with a recommendation within ten (10) legislative days after referral may be withdrawn from the committee in accordance with the procedure

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set forth in subsection (1) of this rule if the motion for withdrawal is made by the seventieth day of a ninety-day session and by the one-hundred-fifth day of a one-hundred-twenty-five-day session.

(4) For the purposes of this rule, the term "revenue bill" shall include only those bills whose primary purpose is to increase or decrease taxes or to authorize the issuance of bonds or the borrowing of money. Bills which are primarily for regulatory purposes which have revenue provisions included shall not be considered as revenue bills for the purposes of this rule.

(5) If the Legislature shortens a ninety-day regular session or a one-hundred-twenty-five-day regular session by moving the deadlines for processing legislation that are set forth in Joint Rule 40 to dates earlier than the dates otherwise set for those sessions, the dates set forth in this subsection (5) shall apply to the motion for withdrawing a bill from committee. A general bill, resolution or measure that has not been reported from the committee to which it has been referred may be withdrawn from the committee after the second day before the deadline for the committee to report the bill, resolution or measure. An appropriation or revenue bill that has not been reported from the House Appropriations Committee or the House Ways and Means Committee, as the case may be, within ten (10) legislative days after referral, may be withdrawn from the applicable committee if the motion for withdrawal is made by the day before the deadline for original House floor action on the bill. All other provisions of this rule regarding the procedure to follow and the associated vote requirements for withdrawing bills from committee shall apply.

### **BILLS SHALL LIE ON TABLE ONE DAY**

96. Every bill or resolution requiring the signature of the Governor, all resolutions proposing amendments to the Constitution, and all reports of committees except the report of the Committee on Rules, shall lie on the table one (1) day before being considered except by suspension of the rules.

### **ROLL CALLS**

97. When taking the yeas and nays on any question to be voted upon, the electrical roll-call system may be used, and, when so used, shall have the same force and effect as a roll call taken as otherwise provided in the Rules of the House.

When the House is ready to vote upon any question requiring a roll call and the vote is to be taken by the electrical roll-call system, the Speaker shall announce:

"The question is on the passage of (designating the matter to be voted upon). All in favor of such question shall vote 'yea'; all opposed shall vote 'nay.' The House will now proceed to vote."

When sufficient time has been allowed the members to vote, the Speaker shall announce: "Have all voted?" And after a short pause, the Speaker shall direct the Clerk to lock the machine and record the vote.

The Clerk shall immediately start the vote-recording equipment and, when the vote is completely recorded, shall advise the Speaker of the result, and the Speaker shall announce the result to the House. The Clerk shall enter upon the Journal the result in the manner provided by the Rules of the House.

After the voting machine has been locked, but prior to the display of the tabulated vote on the electric voting board of the result of a roll call, any member may request to (1) change his vote, or (2) vote. After the vote has been tabulated and displayed on the electric voting board, a member with unanimous consent may change his vote on the measure, except that no such change of vote shall be permitted where such vote would alter the final vote on the measure.

No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be punished in such a manner as the House may determine. If

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a person not a member shall vote or attempt to vote for any member, he shall be barred from the Floor of the House for the remainder of the session and may be punished further in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

98. Neither the Speaker nor the House exercises jurisdiction over pairs, and the only cognizance of them taken by the rules is the provision for the announcement and publication.

99. No member shall be permitted to give an oral explanation of his vote but may reduce his explanation to writing in not more than one hundred (100) words, and upon filing with the Clerk, this explanation shall be spread on the Journal.

### MOTION TO RECONSIDER

100. Any member voting on any measure, shall be privileged to enter a motion to reconsider the vote whereby the measure is disposed of, at any time within the period prescribed by the rules of this House.

101. A motion to reconsider having been properly made and entered in the Journal shall become the property of the House and may be called up by any member of the House.

When a measure requires more than a majority vote for passage it may still be reconsidered by a majority vote.

102. When a bill is read the third time in regular order, and not under suspension of the rules, it shall be considered engrossed and the House on the next or any succeeding legislative day may proceed to a vote on its final passage in the same manner as if the rules had been suspended for its consideration.

### PASSAGE OVER VETO

103. (1) Upon return of a bill without the approval of the Governor accompanied by the Governor's objections to the bill, the House shall proceed to reconsider the bill by either an immediate vote on the motion for passage, a Governor's veto notwithstanding, or by referral to the committee which originally recommended said bill. The manner of reconsideration shall be determined, upon proper motion, by majority vote of those present. Should the bill be reconsidered by referral to the committee of origin, said committee shall report, with written recommendations, to the full House not more than three (3) legislative days from the referral of the bill in question. At the time of the report of such committee only two (2) courses shall be open:

- (a) Allow Governor's veto to stand.
- (b) Override Governor's veto.

Only one (1) motion for the two (2) courses shall be in order and that is the motion for passage, a Governor's veto notwithstanding. Said motion, while not mandatory, shall be in order at any time on the same legislative day that the report of the committee is made but shall not be in order thereafter.

(2) Upon calling up a bill for reconsideration and passage, a Governor's veto notwithstanding, the question before the House is not of reconsideration but that of overriding the Governor's veto.

(3) A two-thirds (2/3) vote of those members present and voting, a quorum being present, is required to pass a bill over a Governor's veto.

(4) A motion to reconsider the vote by which a vetoed bill is passed or rejected is not in order.

104. The space immediately below the Clerk's desk shall be set aside to accommodate representatives of the press, radio and television media wishing to report proceedings and such representatives shall be admitted to such area under such regulations as the Rules Committee may from time to time prescribe. The supervision of such portion of the floor shall be fixed in the Committee on Rules.

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(a) The correspondents shall abide by such rules and regulations as may be adopted by the Rules Committee.

(b) The press table allotted to representatives of the news media shall be for their exclusive use and persons not holding correspondents' cards shall not be entitled to admission thereto.

### OPEN MEETINGS

104A. All official meetings of any standing, interim or special committee of the House of Representatives, but not including conference committees, unless otherwise provided by this rule or the Constitution of the United States or the State of Mississippi, are declared to be public meetings and shall be open to the public at all times unless declared an executive session as provided herein. Any such House committee may enter into executive session for the transaction of public business; provided, however, all meetings of any such committee shall commence as an open meeting, and an affirmative vote of a majority of all members present shall be required to declare an executive session. The procedure to be followed by such committee in declaring an executive session shall be as follows: Any member shall have the right to require a closed determination upon the issue of whether or not to declare an executive session. Such member, by motion, shall require the meeting to be closed for a preliminary determination of the necessity for executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a vote taken on the issue. The total vote on the question of entering into an executive session shall be recorded and spread upon the minutes of such committee. Any such vote whereby executive session is declared shall be applicable only to that particular meeting.

Any such House committee may make and enforce reasonable rules and regulations for the conduct of persons attending its meetings.

Minutes shall be kept of all House committees, in open or executive session, and shall consist of a written record of attendance and final actions taken at such meetings. Such minutes shall be open to public inspection during regular business hours within a reasonable time after adjournment.

During a regular or special session of the Legislature, notice of meetings of all House committees, other than conference committees, shall be given by announcement on the loudspeaker during sessions of the House or by posting on a bulletin board provided for that purpose.

When not in session, the meeting times and places of all House committees shall be kept by the Clerk of the House of Representatives and shall be available at all times during regular working hours to the public and news media.

### ELECTION CONTEST

104B. The procedure for handling the contest of the election, other than a primary election, of a member of the Mississippi House of Representatives shall be as follows:

(1) Anyone desiring to contest the election, other than a primary election, of a member returned as elected to the Mississippi House of Representatives shall file with the Clerk of the House of Representatives, within thirty (30) days after a regular general election or ten (10) days after a special election to fill a vacancy, a sworn petition stating particularly the grounds upon which the election is contested. A copy of the petition shall be served on the member whose election is being contested. Any allegations concerning the election, or any grounds for the contest contained in the petition, shall be stated and averred in the same manner in which circumstances constituting fraud are required to be stated with particularity when pleading special matters under the Mississippi Rules of Civil Procedure.

(2) Upon the timely filing of the petition, the Speaker of the House of Representatives shall appoint a special committee to resolve the election contest. Any special committee appointed by the Speaker under this subsection (2) shall be composed of one (1) member of the House of Representatives from

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each congressional district as constituted on January 1, 1996. In making the committee appointments, the Speaker shall give consideration to the seniority, abilities and geographic location of the members. Within fifteen (15) days after the Speaker's appointment of the special committee, the committee shall meet to organize and review the petition.

(3) (a) Either party to such an election contest may obtain discovery regarding any matter, not privileged, which is relevant to the particular grounds stated in the petition or any response thereto, and he may use any method of discovery that is authorized under the Mississippi Rules of Civil Procedure.

(b) Either party shall have the right of full examination of ballot boxes in accordance with Section 23-15-911, Mississippi Code of 1972.

(c) All forms of discovery shall be completed within twenty (20) days before the convening of a regular session on the Tuesday after the first Monday in January, except that in the case of a special election to fill a vacancy, discovery shall be completed within thirty (30) days after the special election.

(d) The special committee shall have exclusive jurisdiction over the determination of whether the filing of the petition and discovery related thereto have been timely made. If the filing of the petition or the discovery related thereto is not made timely, the election contest shall be void, and the contest and any rights related thereto shall expire by operation of law.

(4) On the first day of the regular session next occurring after the election being contested, the person who was certified by the appropriate election officials as the duly elected member of the Mississippi House of Representatives from the district in question shall be administered the oath of office by the Secretary of State as required by the Constitution, along with all other members present, and he shall not be requested to stand aside if he has been so certified. In the case of a special election contest, the oath shall be administered by the Speaker as in the case of administering the oath after any special election in which no contest has been filed. The seating and swearing in of a member who has been certified by the appropriate election officials before the special committee has concluded its deliberations shall be conditional and not permanent. The conditional seating and swearing in of the member shall vest in the member all the rights, privileges, and emoluments of the office, but without prejudice to the contest filed by the petitioner.

(5) The special committee appointed by the Speaker shall meet on the first day of the regular session next occurring after the election being contested, except that in the case of a special election to fill a vacancy, the special committee shall meet within five (5) days of the completion of discovery. The work of the special committee shall be a matter of the highest priority for the House, and any conflicts in scheduling meetings of the committee shall be resolved in favor of expediting the committee's work. The special committee shall have the power to investigate all facts concerning the election or qualifications of any member or petitioner, but shall not place itself in the position of investigating matters not alleged in the petition or any response thereto. It also shall have the power to issue subpoenas and compel the attendance of witnesses and the production of such documents or papers as may be required. The special committee shall have the authority to enforce any subpoena issued by the committee and to enforce compliance with the time limitations set forth in this rule, with the assistance of the State Attorney General or his designee.

(6) After the committee concludes its deliberations, it shall report a resolution recommending one (1) of the following courses of action to the House: (a) to seat permanently the House member who was certified and sworn in under subsection (4) of this rule, failure of which shall vacate the seat for the House district in question held by that person; (b) to seat permanently the petitioner in the election contest, passage of which will vacate the seat for that House district and the petitioner shall be sworn in for that seat; or (c) to declare the office of representative for that House district as vacant. The House shall consider the recommendation of the committee, and it shall adopt one (1) of the courses of action specified in this subsection (6), which must be adopted by a majority vote of House members present and voting.



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(7) For purposes of this rule, "day" means a calendar day and includes any legal holiday.

(8) Section 55, Mississippi Constitution of 1890, which requires a two-thirds (2/3) vote of the members present to expel a seated member, shall not apply to any votes taken with regard to an election contest of a member of the House of Representatives.

(9) If the House determines that the person conditionally sworn in under subsection (4) of this rule is not qualified as a member of the Mississippi House of Representatives, any vote cast in the interim shall stand and any compensation and expenses paid shall be retained by that person. If the petitioner prevails on the merits of his contest, he shall receive the regular compensation and expenses of a member of the House, retroactive to the beginning of the session, or in the case of a special election, retroactive to the date upon which the House member conditionally sworn in was seated.

(10) Under the inherent authority of the House to create procedures and rules for the governing of its internal affairs, if any provision of this rule conflicts with any provision of Sections 23-15-955 and 23-15-957, Mississippi Code of 1972, the provisions of this rule shall prevail.

### CONSTITUTIONAL PROVISIONS

105. Neither house shall, without the consent of the other, adjourn for more than three (3) days, nor to any other place than that in which the two (2) houses shall be sitting. (Art. 4, Sec. 57, Constitution).

106. No law shall be revived or amended by reference to its title only, but the section or sections, as amended or revived, shall be inserted at length. (Art. 4, Sec. 61, Constitution).

107. No appropriation bill shall be passed by the Legislature which does not fix definitely the maximum sum thereby authorized to be drawn from the Treasury. (Art. 4, Sec. 63, Constitution).

108. All votes on the final passage of any measure shall be subject to reconsideration for at least one (1) whole legislative day, and no motion to reconsider such vote shall be disposed of adversely on the day on which the original vote was taken, except on the last day of the session. (Art. 4, Sec. 65, Constitution).

109. No new bill shall be introduced into either house of the Legislature during the last three (3) days of the session. (Art. 4, Sec. 67, Constitution).

110. No law granting a gratuity or donation in favor of any person or object shall be enacted except by the concurrence of two-thirds (2/3) of the members-elect of each branch of the Legislature, nor by any vote for a sectarian purpose or use. (Art. 4, Sec. 66, Constitution).

111. General appropriation bills shall contain only the appropriations to defray the ordinary expenses of the executive, legislative and judicial departments of the government; to pay interest on state bonds and to support the common schools. All other appropriations shall be made by separate bills, each embracing but one (1) subject. Legislation shall not be engrafted on appropriation bills, but the same may prescribe the conditions on which the money may be drawn, and for what purposes paid. (Art. 4, Sec. 69, Constitution).

112. No revenue bill, or any bill providing for assessments of property for taxation, shall become a law except by a vote of at least three-fifths (3/5) of the members of each house present and voting. (Art. 4, Sec. 70, Constitution).

113. Every bill introduced into the Legislature shall have a title, and the title ought to indicate clearly the subject matter or matters of the proposed legislation. Each committee to which a bill may be referred shall express, in writing, its judgment of the sufficiency of the title of the bill, and this, too, whether the recommendation be that the bill do pass or do not pass. (Art. 4, Sec. 71, Constitution).

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114. No bill shall become a law until it shall have been referred to a committee of each house and returned therefrom with a recommendation in writing. (Art. 4, Sec. 74, Constitution).

115. No bill passed after the adoption of this Constitution to make appropriations of money out of the State Treasury shall continue in force more than two (2) months after the expiration of the fiscal year ending after the meeting of the Legislature at its next regular session; nor shall such bill be passed except by the votes of a majority of all the members elected to each house of the Legislature. (Art. 4, Sec. 64, Constitution).

116. There shall be appointed in each house of the Legislature a standing committee on Local and Private Legislation; the House committee to consist of seven (7) Representatives, and the Senate committee of five (5) Senators. No local or private bill shall be passed in either house until it shall have been referred to said committee thereof, and shall have been reported back with a recommendation in writing that it do pass, stating affirmatively the reasons therefor, and why the end to be accomplished should not be reached by a general law, or by a proceeding in court; or if the recommendation of the committee be that the bill do not pass, then it shall not pass the house to which it is so reported unless it be voted by a majority of all the members elected thereto. If a bill is passed in conformity to the requirements hereof, other than such as are prohibited in the next section, the courts shall not, because of its local, special, or private nature, refuse to enforce it. (Art. 4, Sec. 89, Constitution).

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